UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BRENT A. MILLER, BRENDA J. MILLER, Plaintiffs, vs. CHARLES B. HEMPEL, et al., Defendants.	CASE NO. 08cv1583 BTM(LSP) **ORDER TO SHOW CAUSE WHY CASE SHOULD NOT BE DISMISSED FOR LACK OF JURISDICTION**

On their Civil Cover Sheet, Plaintiffs indicate that the Court has federal question jurisdiction over this action. However, Plaintiffs' Complaint asserts state causes of action for fraud, breach of contract, abuse of process, intentional infliction of emotional distress, and trespassing. It does not appear that this action arises under the Constitution, laws, or treaties of the United States. See 28 U.S.C. § 1331. Furthermore, it appears that there is no diversity jurisdiction. See 28 U.S.C. § 1332.

Accordingly, the Court **ORDERS** Plaintiffs **TO SHOW CAUSE** why this case should not be dismissed for lack of jurisdiction. Plaintiffs shall file a written response to this Order to Show Cause on or before September 19, 2008. The Court hereby sets the Order to Show Cause for hearing on **September 26, 2008 at 11:00 a.m.** Unless otherwise directed by the Court, there shall be no oral argument, and no personal appearances are necessary.

IT IS SO ORDERED.

DATED: September 2, 2008

Barry Ted Moskowitz

Honorable Barry Ted Moskowitz
United States District Judge